

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 2:17-cv-02471-JAD-VCF

4 Jason Marcus Jones,

5 Plaintiff

6 v.

7 State of Nevada Board of Parole
8 Commissioners,

9 Defendant

Order Dismissing Action

10 Plaintiff Jason Marcus Jones brings this civil-rights case under § 1983 for events he
11 alleges occurred during his incarceration at the Southern Desert Correctional Center.¹ On July
12 30, 2018, the court denied his prisoner application to proceed *in forma pauperis* as moot because
13 he was no longer incarcerated and gave him until August 29, 2018, to file a non-prisoner
14 application or pay the \$400 filing fee.² The court expressly warned him that his failure to file a
15 new application or pay the filing fee by that deadline would result in the dismissal of this case.³
16 The deadline has passed, and Jones has done neither.

17 District courts have the inherent power to control their dockets and “[i]n the exercise of
18 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.⁴ A
19 court may dismiss an action with prejudice based on a party’s failure to prosecute an action,
20 failure to obey a court order, or failure to comply with local rules.⁵ In determining whether to

21 _____
22 ¹ ECF No. 1-1 (complaint).

23 ² ECF No. 3.

24 ³ *Id.*

25 ⁴ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

26 ⁵ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
27 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
28 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁶

6 I find that the first two factors—the public's interest in expeditiously resolving the
7 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
8 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
9 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
10 prosecuting an action.⁷ The fourth factor is greatly outweighed by the factors in favor of
11 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
12 dismissal satisfies the consideration-of-alternatives requirement.⁸ Jones was warned that his case
13 would be dismissed without prejudice if he failed to timely file a new application or pay the
14 filing fee.⁶ So, Jones had adequate warning of the consequences should he not respond.

15 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
16 prejudice based on Jones's failure to file a new application or pay the filing fee in compliance
17 with this court's July 30, 2018, order.

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20 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to
21 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
22 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

23 ⁶ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
Ferdik, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.


24 ⁷ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

25 ⁸ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

26 ⁶ ECF No. 3.
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1 The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS
2 CASE.

3 Dated: September 10, 2018

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6 U.S. District Judge Jennifer A. Dorsey
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